



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** April 4, 2017

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

### 1. ROLL CALL

Roll Call showed 9 present.

Mayor Kennedy presiding.

C. Leahy requested moment of silence in darkened chamber for Roy F. White and Edward "Ted" Cawley.

C. Elliott requested to suspend rules and take Item #9.2 out of order. Approved by general consent with no objections.

### 2. CITY CLERK

#### 2.1. Minutes of City Council Meeting March 28th, for acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Milinazzo. So voted.

### 3. GENERAL PUBLIC HEARINGS

#### 3.1. Ordinance-Traffic 2017

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted.

### 4. COMMUNICATIONS FROM CITY MANAGER

#### 4.1. Motion Responses

In City Council, read, **Motion** "To accept and place on file" by C. Milinazzo, seconded by C. Samaras. So voted. C. Mercier requested to suspend rules to comment on recent robo call from City. Approved by general consent with no objections. C. Mercier noted the late night call regarding parking ban by City of Lowell and how it upset many residents. Manager Murphy noted he was aware of the incident and it was addressed, he noted there was human error involved as well as lack of common sense.



(A) Motion Response - Crosswalk request Plain Street – C. Leahy recognized the response and the placement of the crosswalk.

(B) Motion Response - Center Line Striping Schedule – C. Leahy noted the response and that it included work on Gorham and Chelmsford Streets. C. Mercier requested the schedule for crosswalk work.

(C) Motion Response - Community Development Grants – C. Milinazzo commented on possible cuts at the federal level that would have an effect at the local level. **Motion** by C. Milinazzo, seconded by C. Leary to have Manager forward letter to federal delegation outlining the potential impact federal cuts would have on local level. So voted. C. Elliott noted the need for organized effort to prevent cuts through the National League of Cities. M. Kennedy commented he would investigate if any effort is being formulated. C. Leary noted it would have a possible large scale effect. C. Samaras noted the possible impact on staffing with possible cuts.

C. Elliott requested to suspend rules to take Item #9.1 together with this item. Approved with general consent and no objections.

(D) Motion Response - First St Corridor Illegal Dumping – C. Belanger noted it was a long term problem that needed permanent solution. Eric Slagle (Insp. Services) commented on the steps being taken, including the use of cameras. C. Leahy noted that the Sherriff's Office is assisting with clean-up and that brush and dead trees should be cleaned as well.

(E) Motion Response - FY18 Budget Timeline – C. Leary commented on the Charter School funding. Conor Baldwin (CFO) noted that the reimbursement was falling way short to cover the costs and noted this budget would see three percent increase from last year. C. Belanger questioned snow and ice deficit. Mr. Baldwin commented on the payment of that deficit to decrease it.

(F) Motion Response - Trash Barrel Enforcement – C. Leahy noted it was a neighborhood concern and that protocol should be followed to ensure enforcement. Manager Murphy recognized the issue and the steps being taken to improve enforcement. C. Elliott suggested seizing the barrel if there is a violation.

(G) Motion Response – LUZ Building Update – C. Belanger noted the need to address the building as it is located right next to school area.

(H) Motion Response - Active Shooter Protocol – C. Rourke commented on the response and the training. Manager Murphy noted his confidence in the training and protocol. Superintendent Taylor (LPD) outlined report and training.



#### **4.2. Communication - City Mgr. request Out of State Travel (1) LPD.**

In Council, **Motion** to adopt by C. Milinazzo, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott recognized the contribution of the LPD to the conference. Supt. Taylor noted the model of the LPD that would be discussed at conference.

#### **5. VOTES FROM THE CITY MANAGER**

##### **5.1. Vote-Auth Mgr Ex. License Agreement-Sweet Journey Inc.-30 Central St. (overhanging sign)**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Rourke, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.

##### **5.2. Vote-Transfer \$47,191.60 TIGER Bridge Project.**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Belanger, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted.

#### **6. ORDERS FROM THE CITY MANAGER**

##### **6.1. Order- Order-60 day trial (various)**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

#### **7. CONSTABLE BONDS**

##### **7.1. Communication - City Mgr. request approval for Constable Bond for Emma Amaro; Steven Formaro; Juan Garcia; Juan Jerez, Jr.; Delia Ruiz; Gerald Sewell; Kevin Whippen; and Douglas Wiggins, Jr.**

In Council, **Motion** to adopt by C. Rourke, seconded by C. Leary. Adopted per Roll Call vote 9 yeas. So voted.

#### **8. REPORTS (SUB/COMMITTEE, IF ANY)**

##### **8.1. Finance SC April 3, 2017.**

In City Council, C. Elliott provided report noting the attendance and the discussion of FY16\_FY17 Net School Spending; Refunding Bonds; FY16 Audit Management Letter; and Lowell High School Debt Exclusion. Manager Murphy noted increase in School Department budget. Conor Baldwin (CFO) commented on updating MUNIS software to assist with cash reconciliation. Bryan Perry (Auditor) noted the number of accounts the City has opened. M. Kennedy commented on debt exclusion procedure and the need for referendum on the matter. C. Leary noted deadline in which referendum could move forward. Manager Murphy indicated when such a referendum must be submitted to make ballot. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Leary. So voted.



## 8.2. Economic Development SC April 4, 2017.

In City Council, C. Samaras provided report outlining attendance and discussion of proposed new Athenian Corner Restaurant Hotel. **Motion** to accept the report as a report of progress by C. Samaras, seconded by C. Mercier. So voted.

C. Mercier commented on Board of Parks meeting and the approval of Roberto Clemente Field.

## 8.3. Wire Insp. - National Grid - Request permission to install underground line of electric conduits including the necessary sustaining and protecting fixtures to service the Hamilton Canal District.

In City Council, **Motion** to accept and adopt accompanying report by C. Samaras, seconded by C. Rourke. So voted.

## 9. CITY COUNCIL - MOTIONS

### 9.1. C. Elliott - Req. City Mgr. provide a report regarding federal funding loss due to cuts noting the impact on staff as well as the number of people in the community affected by the cuts.

In City Council, seconded by C. Belanger, referred to City Manager. So voted. C. Elliott questioned the impact on staffing. Manager Murphy noted that it would hurt the curb appeal in the City as well as many organizations that operate here as well, including the Senior Center. C. Mercier questioned expenditure to Lynn Housing Authority. Chris Samaras (DPD) outlined the HUD expenditure and directive for above expenditure.

### 9.2. C. Elliott - Req. City Council recognize Peter Kostoulakos for his contributions to restoring Mayoral portraits at Lowell City Hall.

In City Council, seconded by C. Belanger, referred to City Manager. So voted. C. Elliott commented on the work being done on a volunteer level by Mr. Kostoulakos, who addressed the Council regarding his work with the portraits.

### 9.3. C. Elliott - Req. City Council vote to place ballot referendum question on Lowell High School Building project and discuss question: Do you support funding Lowell High School Building project?

In City Council, seconded by C. Leary, defeated per Roll Call vote 1 yea, 8 nays (C. Belanger, M. Kennedy, C. Leahy, C. Leary, C. Mercier, C. Milinazzo, C. Rourke and C. Samaras. C. Elliott noted it was a matter of timing and responsibility to be on the ballot as the project has changed dramatically since inception. C. Elliott noted the ones who are going to pay for project should have this kind of input on it and that he is not trying to derail the plan. Registered speakers Lynn Dailey and Christine Hungate addressed the Council. C. Leary noted the length of the process to date as well as having responsibility of voting. C. Mercier commented on problem with referendum question and complete knowledge by the public. C. Samaras commented on prior efforts to build



new high school and that they are in final hours of the decision and noted that there is spirited debate by the public. C. Belanger commented on prior motion for referendum and that there was no appetite for same. C. Elliott recognized colleagues' remarks and those members should vote conscience and noted that every option available is an expensive option.

**9.4. C. Elliott - Req. City Mgr. provide report regarding all tax delinquents in the City, and the potential for another lien auction.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Elliott recognized that auction was done on annual basis and that it is effective to recoup tax money.

**9.5. C. Leary - Req. City Mgr. provide an update regarding the EDA sign off on the Hamilton Innovation District's new bridge and infrastructure updates.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leahy noted the need to appoint Master Developer in the project and requested update on same.

**9.6. C. Leary - Req. City Mgr. provide status of public records request pursuant to MGL Chapter 66 sect. 10 to City of Lowell requesting copies of any inspections and results for air quality annual inspections and hazardous abatement at Lowell High School.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leary noted the effort to gather the information to respond to request.

**9.7. C. Leahy - Req. City Mgr. provide a report regarding condition of Willard Street between Humphry and Beacon Streets.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Leahy commented on the work needed to be done and the repairs that must be made.

**9.8. C. Leahy - Req. City Mgr. provide a status report regarding construction on Lawrence Street Bridge.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Leahy noted that local businesses wanted schedule so that they could plan accordingly.

**9.9. C. Samaras - Req. City Mgr. have Law Department outline procedures on eminent domain cases, to include all steps taken before and after proceedings.**

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Samaras noted that Option 3 on high school project calls for eminent domain and that knowledge of the proceeding is important moving forward and requested Manager call a meeting with owners to establish dialogue. C. Rourke questioned prior contact with



owners. Manager Murphy noted that agent for owners expressed that they had no interest in losing property.

**9.10. C. Samaras - Req. City Mgr. develop an outline which lists pros/cons to each school site to include an explanation of which steps need to be and are being taken to ameliorate any problems at the four chosen sites, i.e. Article 97; bus costs/timeline; wetlands; sidewalks; traffic; and asbestos.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Samaras commented that streamlining all information is important to clarify issues as there have been changes to project and that the Manager is in the position to do that. C. Belanger commented that he did not want more resources thrown towards another report even though there is an appetite for information. Manager Murphy noted that he would be conveying information supplied by vendors of the City. C. Leahy questioned time line for finishing due diligence. Manager Murphy noted weather has caused some minor delays and the preference is good information as opposed to quick information. C. Leahy questioned submission to the State. C. Leary noted that information should be supplied in matrix form to better understand it. C. Milinazzo recognized the need for information but was surprised that many members have discounted one option already and that all four should be vetted. C. Samaras noted that the reason for all information is so that all four options can be vetted.

**9.11. M. Kennedy - Req. City Mgr. take the necessary steps to have Swan Street repaved.**

In City Council, seconded by C. Samaras, referred to City Manager. So voted. M. Kennedy noted need. C. Mercier commented that prior attempt to pave was denied due to it not being an accepted street. M. Kennedy noted that paving can be done from other funding for non-accepted streets. C. Leahy noted program for accepting streets should be ramped up.

**9.12. M. Kennedy - Req. City Mgr. have the Parking Department look for a parking solution at the intersection of Eleventh Street and Beacon Street.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. M. Kennedy commented motion speaks for itself.

## **10. ANNOUNCEMENTS**

In City Council, C. Samaras noted two events; Ankor Dance Troup 30<sup>th</sup> Anniversary and Lowell Cultural Council Grant Awards.



## 11. **ADJOURNMENT**

**Motion** to Adjourn by C. Rourke, seconded by C. Milinazzo. So voted.

Meeting adjourned at 8:25 PM.

Michael Q. Geary, City Clerk